

Appl. No. : 09/785,944
 Filed : February 16, 2001

REMARKS

35 U.S.C. § 102 REJECTION

This Application has been rejected as anticipated by Fermann, et al (5,818,630). In the rejection, the Examiner stated "This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131."


Attached to this amendment is a declaration by both of the inventors listed on Patent No. 5,818,630, namely Martin E. Fermann and Donald J. Harter, that the invention defined by Claims 55 and 57 of this application is the sole invention of Martin E. Fermann. Thus, as suggested by the Examiner, the Applicant has made the required showing that, to the extent that the invention of Claims 55 and 57 is disclosed in Patent No. 5,818,630, it is not the invention "by another". Applicant requests that, based on this declaration, this application be passed to issue.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1/10/06

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